

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

DARRYL ANDERSON, et al.,

Plaintiffs,

v.

PERDUE FARMS, INC.

Defendant.

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**Civil Action No.:
1:06-cv-1000-MEF-WC**

JURY TRIAL DEMANDED

PLAINTIFFS' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT

The Plaintiffs ("employees") petition this Court for Partial Summary Judgment in this action on the grounds that the "sanitary and personal protective equipment" (PPE) in question is integral and indispensable to the employees' principal activity of safely producing uncontaminated poultry.

The Plaintiffs are entitled to partial summary judgment because the donning, doffing and sanitizing of the required equipment, which includes boots, hair nets, beard nets, safety glasses, bump caps and earplugs is integral and indispensable to the Defendant's principal business of safely producing uncontaminated poultry. These activities are obviously integral to safely producing uncontaminated poultry as it is required not only by Perdue, but also by federal regulations. It is equally clear that the activities primarily benefit Perdue as the need to maintain a safe and sanitary environment in order to produce a wholesome, uncontaminated product dictates the use and sanitization of the equipment.

For the reasons set forth in the accompanying Memorandum in Support of Plaintiffs' Cross-Motion for Partial Summary Judgment, partial summary judgment must be granted in favor of the Plaintiffs.

Dated: June 23, 2008

Respectfully submitted,

THE COCHRAN FIRM, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2008, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to:

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